

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGELO M. CATRONE,	:	CIVIL ACTION NO. 1:06-CV-2038
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,	:	
Commissioner of	:	
Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 11th day of July, 2007, upon consideration of the report of the magistrate judge (Doc. 7), recommending that plaintiff's social security appeal be remanded to the Commissioner of Social Security, and of defendant's objections thereto (Doc. 8), asserting that substantial evidence exists to support the Administrative Law Judge's ("ALJ") decision, and, after an independent review of the record, it appearing that the ALJ did not provide a satisfactory explanation for her decision to discredit the claimant's testimony regarding his subjective symptoms¹, see Cotter v. Harris, 642 F.2d 700, 704 (3d Cir. 1981) (stating that when resolving evidentiary conflicts, the Commissioner must indicate which evidence was accepted and which was rejected, along with his or her reasons for rejecting such evidence), and that the ALJ did not provide a satisfactory explanation of the weight

¹ The ALJ found that "the claimant's medically determinable impairment could reasonably be expected to produce the alleged symptoms, but that the claimant's statements concerning the intensity, duration, and limiting effects of these symptoms are not entirely credible." (Doc. 4 at 18.)

given to the findings made following Dr. Chikarmane's medical examinations of the claimant², see id. at 706-07 ("[A]n explanation from the ALJ of the reason why probative evidence has been rejected is required so that a reviewing court can determine whether the reasons for rejection were improper."), it is hereby

ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 7) is ADOPTED.
2. The above-captioned case is REMANDED to the Commissioner of Social Security for further proceedings consistent with this order and the report and recommendation of the magistrate judge (Doc. 7).
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

² Dr. Chikarmane concluded that the claimant was totally disabled. (Doc. 4 at 137.) The ALJ did not explicitly address the doctor's conclusion or make findings from the medical evidence sufficient to justify her implicit rejection of that conclusion.